



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2618

Introduced 1/20/2006, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-707
720 ILCS 5/36-1

from Ch. 95 1/2, par. 3-707
from Ch. 38, par. 36-1

Amends the Illinois Vehicle Code and the Criminal Code of 1961. Provides that the vehicle of a person who is involved in an accident while driving without liability insurance coverage is subject to seizure and forfeiture, regardless of whether or not the person was at fault. Provides that the vehicle may be forfeited to the spouse of the owner, or to a properly licensed family member, if the spouse can show that the seized vehicle is the only source of transportation for the family and its forfeiture would cause undue hardship. Effective immediately.

LRB094 16078 DRH 54237 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 3-707 as follows:

6 (625 ILCS 5/3-707) (from Ch. 95 1/2, par. 3-707)

7 Sec. 3-707. Operation of uninsured motor vehicle - penalty.

8 (a) No person shall operate a motor vehicle unless the
9 motor vehicle is covered by a liability insurance policy in
10 accordance with Section 7-601 of this Code.

11 (b) Any person who fails to comply with a request by a law
12 enforcement officer for display of evidence of insurance, as
13 required under Section 7-602 of this Code, shall be deemed to
14 be operating an uninsured motor vehicle.

15 (c) Any operator of a motor vehicle subject to registration
16 under this Code who is convicted of violating this Section is
17 guilty of a business offense and shall be required to pay a
18 fine in excess of \$500, but not more than \$1,000. However, no
19 person charged with violating this Section shall be convicted
20 if such person produces in court satisfactory evidence that at
21 the time of the arrest the motor vehicle was covered by a
22 liability insurance policy in accordance with Section 7-601 of
23 this Code. The chief judge of each circuit may designate an
24 officer of the court to review the documentation demonstrating
25 that at the time of arrest the motor vehicle was covered by a
26 liability insurance policy in accordance with Section 7-601 of
27 this Code.

28 (d) A person convicted a third or subsequent time of
29 violating this Section or a similar provision of a local
30 ordinance must give proof to the Secretary of State of the
31 person's financial responsibility as defined in Section 7-315.
32 The person must maintain the proof in a manner satisfactory to

1 the Secretary for a minimum period of one year after the date
2 the proof is first filed. The Secretary must suspend the
3 driver's license of any person determined by the Secretary not
4 to have provided adequate proof of financial responsibility as
5 required by this subsection.

6 (e) In addition to any other penalty that may be imposed,
7 the vehicle of a person who is involved in an accident while
8 violating this Section is subject to forfeiture under Sections
9 36-1 and 36-2 of the Criminal Code of 1961, regardless of
10 whether or not the person was at fault.

11 (Source: P.A. 92-775, eff. 7-1-03.)

12 Section 10. The Criminal Code of 1961 is amended by
13 changing Section 36-1 as follows:

14 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

15 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used
16 with the knowledge and consent of the owner in the commission
17 of, or in the attempt to commit as defined in Section 8-4 of
18 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,
19 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2,
20 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 18-2,
21 19-1, 19-2, 19-3, 20-1, 20-2, 20.5-6, 24-1.2, 24-1.2-5, 24-1.5,
22 or 28-1 of this Code, paragraph (a) of Section 12-4 of this
23 Code, paragraph (a) of Section 12-15 or paragraphs (a), (c) or
24 (d) of Section 12-16 of this Code, or paragraph (a)(6) or
25 (a)(7) of Section 24-1 of this Code; (b) Section 21, 22, 23, 24
26 or 26 of the Cigarette Tax Act if the vessel, vehicle or
27 aircraft contains more than 10 cartons of such cigarettes; (c)
28 Section 28, 29 or 30 of the Cigarette Use Tax Act if the
29 vessel, vehicle or aircraft contains more than 10 cartons of
30 such cigarettes; (d) Section 44 of the Environmental Protection
31 Act; (e) 11-204.1 of the Illinois Vehicle Code; (f) the
32 offenses described in the following provisions of the Illinois
33 Vehicle Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2),
34 (c-1)(3), (d)(1)(A), (d)(1)(D), (d)(1)(G), or (d)(1)(H); (g)

1 an offense described in subsection (g) of Section 6-303 of the
2 Illinois Vehicle Code; ~~or~~ (h) an offense described in
3 subsection (e) of Section 6-101 of the Illinois Vehicle Code;
4 or (i) an offense described in subsection (e) of Section 3-707
5 of the Illinois Vehicle Code; may be seized and delivered
6 forthwith to the sheriff of the county of seizure.

7 Within 15 days after such delivery the sheriff shall give
8 notice of seizure to each person according to the following
9 method: Upon each such person whose right, title or interest is
10 of record in the office of the Secretary of State, the
11 Secretary of Transportation, the Administrator of the Federal
12 Aviation Agency, or any other Department of this State, or any
13 other state of the United States if such vessel, vehicle or
14 aircraft is required to be so registered, as the case may be,
15 by mailing a copy of the notice by certified mail to the
16 address as given upon the records of the Secretary of State,
17 the Department of Aeronautics, Department of Public Works and
18 Buildings or any other Department of this State or the United
19 States if such vessel, vehicle or aircraft is required to be so
20 registered. Within that 15 day period the sheriff shall also
21 notify the State's Attorney of the county of seizure about the
22 seizure.

23 In addition, any mobile or portable equipment used in the
24 commission of an act which is in violation of Section 7g of the
25 Metropolitan Water Reclamation District Act shall be subject to
26 seizure and forfeiture under the same procedures provided in
27 this Article for the seizure and forfeiture of vessels,
28 vehicles and aircraft, and any such equipment shall be deemed a
29 vessel, vehicle or aircraft for purposes of this Article.

30 When a person discharges a firearm at another individual
31 from a vehicle with the knowledge and consent of the owner of
32 the vehicle and with the intent to cause death or great bodily
33 harm to that individual and as a result causes death or great
34 bodily harm to that individual, the vehicle shall be subject to
35 seizure and forfeiture under the same procedures provided in
36 this Article for the seizure and forfeiture of vehicles used in

1 violations of clauses (a), (b), (c), or (d) of this Section.

2 If the spouse of the owner of a vehicle seized for an
3 offense described in subsection (g) of Section 6-303 of the
4 Illinois Vehicle Code, a violation of subdivision (c-1)(1),
5 (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501
6 of the Illinois Vehicle Code, Section 3-707 of the Illinois
7 Vehicle Code, or Section 9-3 of this Code makes a showing that
8 the seized vehicle is the only source of transportation and it
9 is determined that the financial hardship to the family as a
10 result of the seizure outweighs the benefit to the State from
11 the seizure, the vehicle may be forfeited to the spouse or
12 family member and the title to the vehicle shall be transferred
13 to the spouse or family member who is properly licensed and who
14 requires the use of the vehicle for employment or family
15 transportation purposes. A written declaration of forfeiture
16 of a vehicle under this Section shall be sufficient cause for
17 the title to be transferred to the spouse or family member. The
18 provisions of this paragraph shall apply only to one forfeiture
19 per vehicle. If the vehicle is the subject of a subsequent
20 forfeiture proceeding by virtue of a subsequent conviction of
21 either spouse or the family member, the spouse or family member
22 to whom the vehicle was forfeited under the first forfeiture
23 proceeding may not utilize the provisions of this paragraph in
24 another forfeiture proceeding. If the owner of the vehicle
25 seized owns more than one vehicle, the procedure set out in
26 this paragraph may be used for only one vehicle.

27 Property declared contraband under Section 40 of the
28 Illinois Streetgang Terrorism Omnibus Prevention Act may be
29 seized and forfeited under this Article.

30 (Source: P.A. 93-187, eff. 7-11-03; 94-329, eff. 1-1-06.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.